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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	CASE NO. CR 14-00236-JST
Plaintiff,)	
v.)	STIPULATION AND PROPOSED PROTECTIVE
)	ORDER REGARDING PRODUCTION OF
ROBERT AKOLO,)	CONFIDENTIAL DISCOVERY
Defendant.)	

Plaintiff, by and through its attorney of record, and the defendant, by and through his attorney of record, hereby stipulate and ask the Court to find as follows:

1. An indictment was returned by the grand jury for the Northern District of California on April 24, 2014, against Robert Akolo charging him with possession with intent to distribute methamphetamine.

2. The United States believes that the proposed protective order is necessary to preclude some discovery materials, which may contain the identities of potential witnesses and/or cooperating witnesses or information from which those identities may be discovered, from being disseminated among members of the public and to the defendant. Specifically, the government believes that the

1 proposed protective order will greatly reduce the possibility that individuals will misuse discovery
2 materials to identify, intimidate, and/or harm witnesses and/or defendants.

3 3. The parties agree that the following conditions, if ordered by the Court, should serve the
4 government's interest in protecting witnesses, defendants, and other members of the community and
5 reduce the risk of retribution against cooperating witnesses by precluding the circulation of these
6 documents and digital media (e.g., CD-ROMs, DVDs, and digital photographs) throughout the prison
7 system and the community, while permitting the defense to obtain discovery required by Federal Rule of
8 Criminal Procedure 16 and the United States Constitution. Accordingly, the parties jointly request that
9 the Court order as follows:

10 a. For purposes of this Order, the term "defense team" refers to: (1) the counsel of
11 record for the defendant; (2) defense investigators assisting said counsel with this case; (3) employees of
12 said counsel's law office; and (4) any expert witnesses who may be retained or appointed by said
13 counsel. For purposes of this Order, the term "defense team" does not include the defendant.

14 b. The government is authorized to provide the defense team with discovery
15 required by F.R.Cr.P. 16 and all discovery in this matter is deemed "Confidential Discovery" and is
16 governed by the terms of this protective order.

17 c. The defense team shall not permit anyone, including the defendant, to have
18 possession of Confidential Discovery pursuant to this Order other than the defense team.

19 d. The defense team shall not discuss the contents of any Confidential Discovery
20 provided pursuant to this Order with anyone other than the defendant. A defense team member may
21 show Confidential Discovery to the defendant or a potential witness only in the physical presence of a
22 defense team member, and may not permit the defendant or the potential witness to have physical
23 possession of the Confidential Discovery.

24 e. The defense team shall not permit Confidential Discovery provided pursuant to
25 this Order to be outside of the defense team's offices, homes, vehicles, or personal control. The defense
26 team may take Confidential Discovery into a custodial facility to show it to the defendant, but, as
27 explained above, the defense team must maintain physical possession of the Confidential Discovery and
28 may not allow the defendant to have physical possession of the Confidential Discovery.

1 f. In the event that one of the parties files a pleading that references or contains
2 Confidential Discovery or information therefrom, that filing must be made under seal.

3 g. The defense team shall return all Confidential Discovery provided pursuant to this
4 Order to the government fourteen calendar days after any one of the following events, whichever occurs
5 latest in time: dismissal of all charges against the defendant; the defendant's acquittal by court or jury;
6 the conclusion of any direct appeal; the expiration of the time period for filing a motion pursuant to 28
7 U.S.C. § 2255; or the district court's ruling on any motion filed pursuant to 28 U.S.C. § 2255. In the
8 event that the defense team has made notes or marks on the Confidential Discovery constituting work
9 product the defense team shall return the materials to the government in a sealed container labeled
10 "WORK PRODUCT-DESTROY."

11 h. After return of the materials, the government may destroy the Confidential
12 Discovery.

13 IT IS SO STIPULATED.

14
15 DATED: May 6, 2014

Respectfully submitted,

16 MELINDA HAAG
United States Attorney

17
18 /s/
AARON D. WEGNER
19 Assistant United States Attorneys

20
21 /s/
CLAIRE LEARY
22 Counsel for Robert Akolo

23 IT IS SO ORDERED.

24
25 DATED: May 8, 2014

26 
HON. JON S. TIGAR
27 United States District Court Judge
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